

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 3:00cr3

CRAIG ROBIN ROBERTS,

Defendant.

ORDER

On February 12, 2007, the Court received a document from Craig Robin Roberts (“Roberts”) styled for the instant case and titled Motion for Order. In the motion, Roberts seeks an order directing the Bureau of Prisons (“BOP”) to credit the time he spent in the Eastern Regional Jail against time to be served for his federal sentence imposed in this matter. Roberts alleges that although Judge Broadwater, the sentencing Judge in this matter, recommended that he receive credit for time served from March 22, 2000, the date in which the plea agreement was tendered to the Court, the BOP has only applied him credit from the date of sentencing, or July 13, 2000.

Upon review of Roberts’s motion, it is clear that his request is actually a challenge to the computation of his federal sentence. Such challenges are properly brought pursuant to a petition for writ of habeas corpus under 28 U.S.C. § 2241. See Preiser v. Rodriguez, 411 U.S. 475, 487-488 (1973) (recognizing that a challenge to the calculation of an inmate’s sentence is within the core of habeas corpus as it directly effects the length of confinement). Therefore, the Clerk is directed

to terminate Robert's Motion for Order (Doc. 32) filed in the instant criminal case. Using the Motion, the Clerk is further directed to initiate a § 2241 habeas case on Roberts' behalf.¹

IT IS SO ORDERED.

The Clerk is directed to file this Order electronically and also to mail a copy of this Order to Roberts and any counsel of record.

DATED: February 8, 2008..

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES DISTRICT JUDGE

¹ In an effort to avoid any possible confusion in petitioner's § 2241 habeas case because of the way in which the original pleading is titled and/or styled, upon initiation, the Clerk should reference this Order in the initial docket entry so the record clearly reflects the unusual procedural history of the petitioner's request.